

# MOTORWAY SERVICES CONSULTATION DOCUMENT

The Government believes that goods and services should, wherever possible, be provided by the private sector in a free market. Controls, though sometimes necessary, inevitably interfere with the market's ability to respond effectively to the consumer's needs and so should be kept to a minimum.

The Government committed itself in the Citizen's Charter to change the arrangements under which motorway service areas (MSAs) are established and operated and to allow new types of MSAs. This document seeks views on the proposals.

## THE PRESENT SYSTEM

MSAs have been centrally planned and controlled ever since motorways were first built in this country. This was seen as the best way of ensuring that all motorway users had regular opportunities to rest during their journey and to obtain essential services: fuel, lavatories, food and drink.

MSAs were made readily accessible from the motorway - either by specially constructed slip roads or location at or close to existing junctions - not only for the convenience of motorway travellers but also to avoid long distance traffic diverting unnecessarily on to local roads and into by-passed communities.

The frequency of MSAs has been deliberately limited, usually to one about every thirty miles (every fifteen miles on the busier sections of M1 and M6). Comprehensive facilities for all users at relatively long intervals were preferred to more frequent partial services because of the road safety risk of off-and-on motorway movements.

Also with safety in mind, MSAs have been designed to provide parking for cars, lorries, coaches and caravans sufficient to cope with estimated demand twenty years or more after opening. This ensures that there are regular stopping points for drivers (there are no lay-bys on motorways); that peak demand can be met without risk of dangerous queuing back on to the motorway; and that, once an MSA is in place, there should be no need for some time for more service areas which would add to the number of motorway accesses.

Minimum conditions have been imposed on the operation of MSAs in order to secure basic services for all motorway users at all times and to achieve resultant benefits in road safety and traffic management. These conditions are that MSAs must provide:-

- services for all motorway users 24 hours a day every day of the year;
- at least hot drinks and cold food at all times;
- leaded and unleaded petrol and diesel;
- free lavatories with public access;
- free parking for two hours (after which charges may be made) in quantities specified by the Department of Transport;
- a picnic area of at least half an acre;
- showers and shaver points for lorry drivers;
- public telephones;
- a tourist information post if required by the Regional Tourist Board;
- a police post if required by the local constabulary;
- all facilities to be available and accessible to disabled people (eg dedicated parking spaces to be reserved near amenities);

and they must not:-

- allow the sale or consumption of alcohol;
- allow rear accesses to the site to be used other than by MSA staff, delivery vehicles and the emergency services;

- be used for purposes unconnected with the use of the motorway. The MSA must not become a destination in its own right, generating extra traffic on the motorway. Its purpose is to serve the incidental needs of people in the course of a motorway journey.

Since the 1980s the method of providing MSAs has been for the Department of Transport to:-

- identify gaps in the network;
- select suitable sites to fill these gaps;
- seek planning clearance;
- acquire the land by agreement or, more usually, compulsory purchase;
- offer the sites, usually by competitive tender, for design, construction and subsequent operation by private concerns. Operation is governed by fifty year leases (granted by the Department of Transport in return for a premium payment and peppercorn annual rent) which ensure that specified quantities of parking and other required facilities are provided 24 hours a day;
- avoid adjacent MSAs being operated by the same company;
- sign MSAs, but not off-motorway facilities, from the motorway;
- retain control of motorway services by using powers in the Town and Country Planning General Development Order 1988 to prevent quasi-MSAs from setting up alongside, or at junctions with, the motorway;
- maintain landlord controls over the use of the site (but not its day-to-day operation which remains the responsibility of the operator).

## THE NEED FOR CHANGE

There is a clear need for more MSAs. Although some of these could be of the present comprehensive type, there is scope for variety. Additional sites might, for example, cater for a particular market, such as lorry drivers, or offer higher quality food. Such sites might open only for limited periods.

The general standard of motorway services has improved since the 1960s and 1970s, particularly since 1979 when, following the Prior Committee of Inquiry's report, the Government introduced the present leasing arrangements. These replaced the former rack rental system which had depressed operators' profitability and discouraged investment to improve standards.

MSAs generally now offer a wider range of services - such as budget accommodation for overnight stops, a variety of modern forms of catering, and travellers' shops - in more pleasant surroundings. And they provide without charge for those who wish simply to rest and freshen up and perhaps take their own food in the picnic areas usually provided or in their cars or lorry-cabs.

Nevertheless, the public has not been entirely satisfied with what MSAs have to offer. This was confirmed by the last "Which" report. It concluded that most MSAs were doing at least an adequate job, though it found standards were poor at some of the older MSAs. It also noted the continuing absence of MSAs on long stretches of motorway.

The provision of MSAs has lagged behind the development of the motorway network. There are at present 44 MSAs in England but notable gaps persist, for example on the M20, M25, M40, M11 and on the M4 between Heston and Membury. This is a major cause for concern.

## CAUSES OF DELAY

Delays in providing new sites have arisen for several reasons:-

- planning clearance is often refused by the local authority. Where the Department of Transport appeals, public inquiries are then needed. It takes time for these to be set up and conducted and for the planning inspector to report his recommendations to the Secretary of State for Environment who finally decides. MSAs are increasingly large developments because of the traffic growth for which they are designed to cater. Like the motorways they serve, they are often located in the countryside and therefore require sensitive design and landscaping treatment.

- compulsory purchase of land for MSAs is often challenged. Landowners, understandably, see it as unfair that the Department of Transport should be able to acquire land at prices that exclude the value of the proposed development as an MSA and then lease the sites at a premium for operation as commercial concerns.
- legal challenges have been mounted to a number of the Department of Transport's proposals. None of these challenges has so far succeeded, but they have prevented progress being made with some MSA developments.

## OPTIONS FOR CHANGE

In the Citizen's Charter, the Government made clear that it should no longer select and own MSAs. That should be for private developers. Still, a balance has to be struck between market freedoms to respond to motorists' needs and the preservation of the efficiency and safety of motorways. As a matter of principle, accesses to motorways have been strictly limited. Motorways are designed as high-speed routes for long-distance, through traffic. The weaving movements of traffic joining and leaving at any junction creates disruption to the through flow of traffic and increases the risk of accidents. This is particularly so where motorways are at or approaching capacity, as many in the present network now are. In seeking to increase the availability and choice of stopping places and services for motorway users, the Government is mindful of the pressure of traffic growth on the capacity of the motorway network and considers that it would be imprudent and unnecessary to abandon altogether an approximate minimum distance by which services developments should be separated. It is proposed, however, that the present minimum of about thirty miles should be reduced to about ten miles. This does not mean that the Government positively recommends provision of services at ten-mile intervals: simply that more frequent provision should be prevented for road safety and traffic management reasons. That would provide the opportunity of services at intervals of ten minutes' driving time. The number and frequency of new services actually developed will depend on private sector initiative and will be subject to the consent of local planning authorities. There is no intention to alter the normal operation of the land use planning process or national planning policy guidance, for example on the location of development in the Green Belts and other environmentally sensitive areas. Local planning authorities will be expected to include policies about providing motorway service areas in their development plans. Planning policy guidance on the provision of MSAs will be issued in the light of the policy adopted by the Government following this consultation. A draft prepared by the Department of the Environment forms the Annex to this document. Such guidance will give a clear policy framework against which individual applications can be judged. Such policies will need to weigh the needs of the road user against potential effects on the environment. It is for consideration to what extent the Department of Transport should continue additionally to be involved.

Quicker provision of motorway services is one of the main objectives of deregulation. Under either of the options for the future set out later in this paper, two of the three major causes of delay - objections to compulsory purchase orders and legal challenges to Department of Transport MSA schemes - would be eliminated. Private developers would still need to obtain planning permission; their applications would continue to be considered in the normal way and be determined in accordance with the development plan unless material planning considerations indicated otherwise. Nevertheless, their proposals are likely, in general, to be for smaller sites than recent Government schemes. These may, therefore, be less likely to lead to planning objections.

### Option 1

It might be considered that Government should seek to insure against the market not providing for all motorway users by prescribing certain criteria which services developments should meet. These need not be extensive nor impose onerous requirements on operators. They would be limited to securing some provisions that might otherwise not be made: for example, free parking for a limited time for motorists wishing simply to stop and rest; free toilets accessible to the public whether availing themselves of other services or not; some parking spaces for lorries; and 24 or other specified hours of opening. Without requiring some minimum provisions, the market might provide only small, low-cost, quick turnover operations which would not in aggregate meet the needs of all motorway users.

The Town and Country Planning General Development Order 1988 allows the Secretary of State to direct that planning permission for a particular scheme should be refused, or be granted only subject to specified conditions. In conjunction with a clear policy statement, these powers could be used to control both the spacing of sites and the scope of facilities to be provided - such as a suitable number of lorry parking spaces. Hours of opening and the provision of free parking, on the other hand, are not planning matters and so could not be controlled in this way. They might, nevertheless be made conditions for new accesses to and signing from the motorway.

## Option 2

The second possible way forward, if residual controls over the nature of services are considered unnecessary, would be for the Government to take no further part in MSA provision beyond that necessary to safeguard the operation and safety of the motorway network in the narrowest sense. This would mean in practice that the Department of Transport would not oppose any proposal for services of any kind provided that it was granted planning permission; that the developer was prepared to meet the cost of any road improvements required to accommodate his scheme (using powers already applicable in similar cases on the all purpose trunk road network); and that the proposal did not infringe the general rule against new accesses for MSAs at less than ten mile intervals. Consumer choice rather than regulation would then determine the level and range of services. This should bring greater diversity. There could be no guarantee that every element of currently specified minimum levels of provision would be made: facilities for lorries or late night opening for example would be provided only to the extent that the market considered there was sufficient demand.

## OTHER CONSIDERATIONS

### Existing MSAs

Under either of the options outlined above, consideration will need to be given to the treatment of the 44 existing English MSAs. It would be consistent with the objectives of deregulation for the Government to give up the leases on these sites and pass the freeholds to the existing operators. They would then be free to compete on equal terms with the operators of new MSAs. This might mean that some traditional provisions (eg 24-hour opening) would be changed at existing sites.

### Signing

The benefits to motorway users of a greater number and variety of MSAs will not be fully realised unless adequate signing is provided directing drivers to available facilities. This would present few difficulties under Option 1; the only services permitted would be those meeting the published criteria, all of which would automatically be eligible for signing. Option 2, on the other hand, envisages a much wider range of type and scale of services. Signing will therefore have to be selective, particularly to sites off the motorway and accessed via existing junctions. Whilst the signing of every facility would be of benefit to operators and would increase competition, to sign traffic off the motorway to sites that are either remote from it or too small for the amount of traffic likely to be generated would not benefit motorway users or local roads and residents.

This argues for arrangements comparable to those already applying to all purpose trunk roads where, broadly, services are signed only provided that:-

- they provide: fuel; hot drinks and food; adequate free short-term parking; free toilets; and access to a telephone; and,
- the site is open at least between 8am and 8pm every day except Christmas Day, Boxing Day and New Years Day. Services which meet these criteria could be signed from the motorway provided they were either directly accessed from the motorway or were at or very close to a junction. Sites further from a junction might be considered for signing, exceptionally, where no facilities were provided at the junction itself.

### Alcohol

Whatever conclusions are reached on the future direction of MSA policy generally, the Government is clear that, on road safety grounds, the existing prohibition of sale and consumption of alcohol at MSAs should continue. The Government will amend the Licensing Acts 1964 and 1988 to ensure that the ban on alcohol is maintained.

### Privately Financed Motorways

The main principles of any new system for the provision of MSAs generally need not apply to privately financed motorways. Drivers using concession roads will not expect them to be identical in all respects to other roads and the provision of distinctive services might become an element in their choice of which road to use.

## SCOTLAND

Existing Scottish policy for motorway service areas is similar to that in England, and in Scotland there is an equal need for change. The proposals outlined in this consultation paper would therefore generally apply in Scotland as England, recognising differences in planning legislation and the differing pattern of demand in Scottish circumstances.

## WALES

In Wales, it is already the practice for services to be brought forward by private initiative and sites have been established, in private ownership, at about ten to fifteen mile intervals.

## COMMENTS

Comments are invited on the issues raised in this document. In particular:

- the proposed reduction to a minimum ten mile interval between services;
- whether the Government should continue to seek to enforce minimum standards at all sites;
- which specific elements of service, if any, the Government should seek to ensure;
- whether existing MSAs should operate in future under the same conditions as may be decided for new MSAs.

Comments, on both the paper and the Annex, should be made by 20 March 1992 to:

Mr J McA. Watson  
Department of Transport  
Highways Services Branch  
Room 2/08  
2 Monck Street  
London SW1A 2BQ

Any comments which specifically concern Scotland or Wales should also be sent by the same date to:

Mr J G Evans  
Highways Directorate  
Welsh Office  
Government Buildings  
Phase 1  
Ty Glas Road  
Llanishen  
Cardiff CF4 5PL

or

Mr R W Welsh  
Scottish Office Roads Directorate  
Room 3/99A  
New St Andrew's House  
Edinburgh EH1 3SZ

The Government will announce as soon as possible after the closing date for comments how it intends to proceed.

## ANNEX

### PLANNING GUIDANCE FOR MOTORWAY SERVICE AREAS IN ENGLAND AND WALES

1. The Government is committed to improving the service offered to motorway users through an increase in the availability and choice of MSAs. Until now general policy has been to provide large, Government-owned sites at intervals of about thirty miles. The intention is to move towards a mix of existing and perhaps smaller MSAs, with shorter intervals, subject to a minimum spacing for on-line services of ten miles. Consultation will help determine whether improved services are likely to be met with or without residual controls. Whichever option is adopted, operators will acquire their own sites and obtain planning approvals from the local planning authority who will need to address the provision of such facilities in their development plans.
2. In assessing proposals for MSAs it will be necessary for local planning authorities to consider the need for services for motorway users in the context of wider planning policy. In assessing needs, authorities will be expected to take into account existing MSAs and alternative facilities close to a motorway and the extent to which between them these cope with likely demand for fuel, drinks, food, short-term parking, toilets and access to telephones.
3. Much of the motorway system passes through the countryside. PPG7 on the Countryside and the Rural Economy will therefore be relevant. The guiding principle for general development in the wider countryside is that it should benefit the rural economy and maintain or enhance the environment. In the case of motorway service areas, the needs of motorists must also be taken into account. But all new development in rural areas, including MSAs, should be sensitively related to existing settlement patterns and to the historic, wildlife and landscape resources and to the land quality of the area. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. MSA sites should be unobtrusive in the landscape. In areas statutorily designated for their historic, wildlife or landscape qualities, policies give greater priority to restraint.
4. In Green Belts, there is in addition a general presumption against inappropriate development. In line with PPG2, approval should not be given, except in very special circumstances, for the construction of MSAs along routes passing through Green Belts.
5. PPG7 provides full guidance on development in National Parks and in Areas of Outstanding Natural Beauty (AONBs). In AONBs development plan policies and development control decisions should favour conservation of the natural beauty of the landscape. In all cases the environmental effects of new proposals, including MSAs, will be a major consideration, although it will also be appropriate to have regard to the economic and social well-being of the area. It would normally be inconsistent with the aims of designation to permit the siting of major commercial development, including MSAs, in these areas. Only proven national interest and lack of alternative sites might justify an exception.
6. Advice is given on development affecting Sites of Special Scientific Interest, and other designations, in PPG7 and DOE Circulars 27/87 and 1/92.
7. Development plan authorities should include in local or unitary development plans general policies on the location of petrol filling stations and, in the case of major motorway service areas, may wish to show areas considered likely to be suitable or unsuitable for their location.
8. In considering issues affecting the motorway itself, traffic flow and safety considerations are of great importance and good visibility is essential. Any access provided direct to a motorway would need to conform fully to Department of Transport standards. At all MSAs, particular attention would need to be taken to avoid the risk of congestion or slowing on the main carriageway.
9. Careful consideration should be given to the scale and massing of the development within its setting. MSAs should be designed so as to minimise their impact on the surrounding area whether in terms of visual intrusion, noise or vehicle emissions.
10. This draft guidance will be further considered in the light of Government policy developed following responses to the Department of Transport's consultation paper.